

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
)
)
v.) Criminal No. 04-36 Erie
)
MAURICE FRANCIS FOLEY and)
JOHN KIRKPATRICK, et al.)

**MOTION FOR ORDER OF CRIMINAL FORFEITURE
AGAINST MAURICE FRANCIS FOLEY AND JOHN KIRKPATRICK**

AND NOW comes the United States of America by and through its counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Mary McKeen Houghton, Assistant United States Attorney for the Western District of Pennsylvania, and respectfully represents as follows:

1. Pursuant to the terms of his plea agreement with the United States, which is incorporated herein by reference, the defendant, Maurice Francis Foley (Foley), entered a plea of guilty to Counts One and Three of the Indictment charging him with conspiracy to distribute marijuana in violation of 21 U.S.C. § 846 and the unlawful use of a firearm in violation of 18 U.S.C. § 924(c)(1)(A)(i).
2. Pursuant to the terms of his plea agreement with the United States, which is incorporated herein by reference, the defendant, John Kirkpatrick, a/k/a John F. Kirkpatrick (Kirkpatrick), entered a plea of guilty to Count One of the Indictment charging him with conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.

3. The forfeiture allegations of the Indictment provide for the forfeiture of, *inter alia*, the following property (the Subject Property) pursuant to 21 U.S.C. § 853(a)(1):

- (a) \$215,031.35 in United States currency;
- (b) real property known as 19845 Hill Road, Hayfield Township, Crawford County, Pennsylvania, SW Intersection of 735 & 606, Assessor's Parcel # 28-05-008-70003, as more fully described in the Deed recorded on August 19, 1997 in the Recorder of Deeds Office of Crawford County, Pennsylvania in Deed Book Volume 354, Page 236;
- (c) the vehicles, 2003 Chevrolet Silverado, VIN 1GCJK331X3F134794; Dodge Ram Truck, VIN 1B7KF23W91J175474; and 1991 BMW, VIN WBAAA1311MEC69886;
- (d) a coin collection.

4. Pursuant to the terms of his plea agreement with the United States, Foley agreed to the forfeiture of all of his right, title and interest in the Subject Property.

5. Pursuant to the terms of his plea agreement with the United States, Kirkpatrick agreed to the forfeiture of all of his right, title and interest in the subject \$215,031.35 in United States currency and in the subject the real property located at 19845 Hill Road, Hayfield Township, Crawford County, Pennsylvania. Kirkpatrick holds no interest in the remaining Subject Property.

6. The United States requests that the Court enter an Order of Criminal Forfeiture forfeiting all right, title and interest of Foley and Kirkpatrick in the Subject Property. Upon the issuance of the Order, the United States will provide written notice to all third parties, if any, known to the United States who may have an interest in the Subject Property and will publish a legal notice of the Court's Order of forfeiture in a newspaper of general circulation. The Court will thereafter adjudicate any third party interests.

WHEREFORE, the United States respectfully requests that this Honorable Court enter an Order of Criminal Forfeiture forfeiting to the United States all right, title and interest of Foley and Kirkpatrick in the Subject Property.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within United States' Motion for Order of Criminal Forfeiture Against Maurice Francis Foley and John Kirkpatrick was served by first class mail, postage pre-paid, this 3rd day of September, 2005, to and upon:

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